

REMARKS

In the October 19, 2005 Office Action, the Examiner noted that claims 7-15 were pending. The Office Action cited grounds of rejection for claims 7-14 under 35 USC § 102(e) as anticipated by Ellington, Jr. et al. (hereafter "Ellington"), but failed to cite grounds of rejection for claim 15, even though the Office Action discussed claim 15 in the body of the rejection. Applicant respectfully requests that the next Office Action provide either grounds of rejection for claim 15 or indicate allowable subject matter for claim 15 as appropriate.

Rejections under 35 USC 102

In item 4 on pages 2-3 of the Office Action, claim 7 was rejected under 35 USC § 102(e) as anticipated by Ellington. Claim 7, as amended recites: "the first computer including an access unit which determines predetermined quality of service features for interaction with the network" (claim 7, lines 2-3). In other words, the access unit is included in, i.e., part of, the first computer. An example is a plug-in card which becomes an integral component in the computer and provides predetermined quality of service features, as described in paragraphs [0006], [0008] and [0015] of the Substitute Specification. In contrast, what was cited in Ellington describes a network containing a discrete "LAN/ATM Interface Device" (see FIG. 1) shown as connected to (not inserted into) LAN stations; where the "LAN/ATM Interface Device" maps quality of service network connection parameters (see the Abstract and column 5, lines 57-60).

Furthermore, claim 7 recites: "a second computer, connected to the network, to administer the quality of service features of the access unit" (claim 7, lines 5-6). What was cited in Ellington describes the discrete "LAN/ATM Interface Device" (FIG. 1) "mapping table (block 88) to map the frame's priority value to an available ATM QoS" (column 6, line 66 to column 7, line 12). In other words, the discrete "LAN/ATM Interface Device" administers the quality of service features. Thus, in Ellington there is no second computer administering the quality of service features; everything is done in the LAN/ATM Interface Device. This single device performs everything associated with the quality of service features for connection of the "originating LAN station" via the network. Therefore, Ellington fails to teach or suggest each element in claim 7.

Claims 8-15 which depend from claim 7 patentably distinguish over the applied art for the reasons discussed in regard to claim 7.

In item 7 on pages 3 and 4 of the Office Action dependent claim 10 was rejected under 35 USC § 102(e) because "the Office takes the term 'plug-in device' to be broadly construed as 'a device which can be physically or logically connected to a computer' such as the LAN

interface device can be connected to the first computer via the LAN 18 (col. 5, lines 57-60; Figure 1, col. 4, lines 45-62)" (Office Action, page 3, line 17 to page 4, line 2). Claim 10 recites: "the access unit is a plug-in device for the first computer" (claim 10, line 2) as described in paragraphs [0006], [0008] and [0015] of the Substitute Specification.

As discussed above, what was cited in Ellington describes a network containing a separate "LAN/ATM Interface Device" connected to LAN stations and thus, is not a plug-in device as recited in claim 10. The LAN/ATM Interface Device maps quality of service network connection parameters (see, column 5, lines 57-60) "in an environment including an ATM backbone network 10 connecting remote LAN users through at least two LAN/ATM interface devices 12 and 14 ... attached to the same shared LAN ... through an intervening Token Ring" (column 4, lines 45-62). In other words, the Office Action relied on an over broad interpretation of the term "plug-in device" without citing any authority for ignoring the limitations recited in claim 10. Furthermore, the Office Action failed to explain how a discrete LAN interface device inherently equates to an access unit configured on a computer plug-in card physically inserted into a plug-in compartment in a client-side computer, where this plug-in card becomes an integral component in the computer as described in the specification in paragraph [0015]. Therefore, claim 10 is allowable for these additional reasons.

In item 11 on page 4 of the Office Action, claim 15 was rejected under 35 USC § 102(e) because the Abstract of Ellington allegedly "discloses that the LAN/ATM interface device converts from a first protocol (i.e., token ring) to a second protocol (i.e. ATM)" (Office Action, page 4, lines 16-17). However, nothing was cited or found in Ellington that shows a conversion of protocols. Rather, the cited Abstract of Ellington states that "ATM ... network Quality of Service (QoS) guarantees are extended to Token Ring LAN stations" (Abstract, lines 1-3). Both ATM network technology and Token Ring network technology correspond to the physical and IEEE 802 data-link communications protocol layers of the ISO/OSI reference model, not to communication protocols. Therefore, there is no suggestion of converting between two protocols and claim 15 is allowable for this additional reason.

In item 13 on page 5 of the Office Action, the "Examiner has reformulated the Ellington reference, such that the interface device 12 can be considered a plug in device for the computer" (Office Action, page 5, lines 3-4). This statement is incompatible with a rejection based on 35 USC § 102, i.e., that the claims were anticipated by Ellington, since reformulation requires modifying the teachings of Ellington which would require an obviousness rejection under 35 USC § 103. No motivation for modifying the Ellington reference was provided in the Office Action.

If the reformulation in item 13 is based at least in part on personal knowledge, common knowledge and/or Official Notice, the Applicant respectfully demands that the Examiner either withdraw the rejection based on Ellington or produce authority for the reformulation thereof by either citing a reference or in an affidavit as required under 37 CFR § 1.104(d)(2) and MPEP § 2144.03(E).

New Claims

Newly added dependent claims 16 and 17 depend from claim 7 and thus, are allowable for the reasons discussed above in regard to claim 7. Claim 16 recites "the access unit is an integral component in the first computer and is incapable of operation without additional components" as described in the specification in paragraphs [0006] and [0015]. Thus, claim 16 further distinguishes over the LAN/ATM Interface Device of Ellington which is described as a device that operates independently, e.g., is directly connected to the LAN and ATM network and does not require an additional processor or other components to operate. Claim 17 recites "the first computer is a user computer" as described in the specification at least in paragraphs [0005], [0007], and [0012]. Nothing has been cited or found in Ellington that teaches or suggests the features recited in claims 16 and 17. Therefore, claims 16 and 17 are allowable for these additional reasons.

It is submitted that Ellington does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 7-17 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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